



MARYLAND GREEN BUILDING COUNCIL MEETING SUMMARY

Lowe House Office Building Room 318

Annapolis, Maryland

27 August 2014

Attendees:

Prescott Gaylord – MDGBC
Stephen Gilliss – DGS
Anja Caldwell - MDGBC
Mimi Wright - MDGBC
Lisa Ferretto -MDGBC
Tom Liebel - MDGBC
David Lever - PSCP

David St. Jean - MEA
Caroline Varney- Alvarado - DHCD
David Costello - MDE
Christine Varney - MDGBC
Martha Shrader – UMD
Anne Raines - MDP
Meg Andrews - MDOT

Support:

Lauren Buckler - DGS
Josh Cohen - DGS
Tonya Zimmerman – DLS

Ellen Robertson - DGS
Kelly Walker - DGS
Crystal Lemieux – DLS

Guests:

Chris Parts- AIAMD
Stuart Kaplow – SDK, PA

Gerard E. Evans - Gerard E. Evans, Ltd.
Hayley Evans – Gerard E. Evans, Ltd.

- I. Chairman Prescott Gaylord brought the meeting to order. Introductions of all attendees followed.
- II. Chairman Gaylord requested a move to approve the meeting summary from the July 23, 2014 meeting. Motion was made and the meeting summary was approved.
- III. Discussion of asphalt and the Heat Island effect pertaining to the International green Construction Code (IgCC).
 - A. Prescott Gaylord introduced Stuart Kaplow to speak about the Heat Island Effect as it pertains to the IgCC. Stuart said that 22 jurisdictions are adopting the IgCC. The IgCC went into effect in Oregon yesterday as an optional code.
 - B. Stuart introduced Gerard E. Evans, a lobbyist for the Maryland Asphalt Association and Haley Evans who spoke at last month's meeting on this issue.
 1. Stuart represents the Asphalt Pavement Alliance, a coalition of the Asphalt Institute, the National Asphalt Pavement Association. The industry employs over 13,000 in Maryland in various capacities – manufacture/supply/install.
 2. Stuart distributed a handout entitled “Junk Science and Heat Island Effect: Unintended Consequences of Reflective Pavements.”
 3. His client is asking to modify the language in the IgCC as the code as written, in their opinion, discriminates unfairly against the asphalt industry.

4. According to Stuart, no other jurisdiction has adopted this portion of the code as written. He has also proposed language to the IgCC for the 2015 version which changes section 408.2. He believes it is likely to be adopted .
5. While it is a generally accepted concept, the Association doesn't believe that urban areas are warmer due to dark surfaces. They also believe there are other unintended consequences of light reflective paving including increased energy use due to reflecting heat into buildings.
6. Maryland does not have laws that regulate Urban Heat Islands. However LEED offers a voluntary credit if you reduce the Urban Heat Island effects by certain options. Green Globes provides credits for employing "cooler" surface treatments for 25% of the hardscape area.
7. IgCC calls for a 50% modification of hardscape areas through a combination of shading with structures, shading with trees, providing low albedo materials and/or pervious or porous paving materials.
8. Stuart's client would like consideration of two modifications to the code.
 - a. Add a definition for porous paving which would allow the use of porous asphalt.
 - b. Reduce the percentage of affected hardscape from 50% to 25%. He says that Baltimore City is adding the porous definition and reducing the area to 25% for its version of the IgCC.
 - c. An alternate modification also proposed would move the entire heat island effect section to the electives section of the code. Stuart stated that Montgomery County added porous asphalt and moved the heat island section to the elective section. (editor's note – this is incorrect. The only change made by the County to date is to reduce the mitigation area to 40% from 50%)
 - d. Neither Baltimore City or Montgomery County's versions of the IgCC has been finalized and approved at this time.
9. The floor was opened for questions
 - a. Prescott Gaylord asked for a clarification. Is the IgCC looking at this alternate proposal. Stuart responded that the highlighted items in his hand out have been adopted for the 2015 version but it as a whole has not been voted on. It takes a 2/3 majority to remove so it's possible it could not be approved for 2015. Caroline Varney-Alvarado noted the vote will be held at the annual fall meeting in Ft. Lauderdale, Florida.
 - b. Tom Liebel noted that this is an alternate only if IgCC is chosen for use by a state agency or school. He would like to see some science to back up these claims. No science has been provided. He believes the Urban Heat Island effect is real and real life experience shows that asphalt is hotter than grass or light paving. He also asked what prevents the Council from including it as is and waiting to see if it is changed in the 2015 code. Stuart said he would be happy to send the science from the ASTM studies with void percentages. He added that asphalt voids are more consistent all the way thru in current porous asphalt mixes.
 - c. David Costello agrees that real life experience indicates at the beach or pool that concrete is cooler than asphalt. He's not buying that asphalt is as cool as concrete. And he agrees we're not clear on the science that the IgCC is approving.
10. Prescott said what we are here today to listen and vote on whether to go with any these proposals.
 - a. Mimi Wright asked about standards for concrete.
 - b. Lisa Ferretto stated that the LEED version of the credit is also about a combination of pervious, light color and shading, but it is hard to achieve the 50% required due to cost. She believes the Council should consider a lower mitigation area 25-30% or make an amendment.
 - c. David Lever is concerned about maintenance of the pervious pavement. It's a burden. If the IgCC is left as written schools may not use the IgCC. Prescott responded that low albedo concrete can be used in lieu of pervious. He has achieved the LEED credit on projects.

Stephen Gilliss noted that like anything in LEED, it is a choice of where to spend money. He also noted that it is just 50% of the paving/ hardscape.

d. Prescott asked again, how large is the asphalt paving industry in Maryland? Stuart said 800 members with 13,000 employees in paving. Prescott asked how many of them are capable of doing pervious asphalt? Stuart responded almost all of them.

e. David Costello asked how to address the maintenance. Stuart responded that most of the surfaces are non-highway and these areas need less maintenance. The newer 16% void asphalt is somewhat self-cleaning. In the past smaller voids were at the bottom but now the voids are consistent top to bottom. The industry currently recommends 4 year maintenance for non-highway porous asphalt.

11. Stuart urged the Council not to wait until the 2015 IgCC is approved.

12. Mimi asked if asphalt/pervious complies with the rain tax?

13. Stephen Gilliss asked David if the schools consider that in using pervious pavement they are offsetting some rain water management? He also noted that we've talked a lot about pervious paving but not the original reflective issue. Prescott responded that was Tom Liebel's point in his questioning of the science.

14. Prescott asked what the upcharge is for pervious over standard paving? Stuart said it varies between parking lots and highways. Upcharge for roads is about 16%. Parking lots would be less than that. They are now using a warm mix vs. the original hot mix so the cost comes down.

15. David Costello asked if any schools have used it. David Lever responded just in demo areas. David C. said schools are some of the biggest users. David L. said schools are conservative.

16. Meg Andrews said that pervious paving requires sweeping contracts or equipment. Prescott said he isn't hearing that from other sources. Stuart said neither of the ASTM current products requires sweeping. The shape and the size of voids eliminates build ups. David Costello asked if with the newer increased voids if it is used for storm water. Stuart responded not in Maryland but EPA in Philadelphia and other areas are using it.

C. Prescott asked to take motions to vote on the issue. It sounds like we have more information especially from the schools. David Lever said the schools meet every October and they shy away overall from pervious pavement. David Costello suggested that David provide info at the next schools meetings to reduce storm water etc.... Maybe the cost would win them over. Anja Caldwell said pervious is used in Montgomery County especially in areas that pool water. Prescott offered his personal view and is unmoved by testimony denying the Urban Heat Island Effect and is against moving the requirement to elective status.

1. Lisa Ferretto said the IgCC has so many things we haven't discussed in this much detail. The code covers the entire state, not just in urban areas. Should this requirement just be for areas with certain zip codes? Why do we want to affect the entire state? David Costello responded that much of our development will be more urban even in rural counties. He is surprised Montgomery County went to 25%. (editors note -Montgomery County reduced mitigation area to 40%)

2. Tom Liebel reminded all that there are a variety of ways to get to the 50% . Shade, color, reflectivity etc.

3. Prescott said he would like to refer this issue back to the committee drafting the updates. Stephen Gilliss responded that the committee is looking to the Council on this issue as a whole. Caroline Varney Alvarado asked why not let the public forum hash this out or wait until after October. This code system is ongoing and we will also be adopting new codes.

4. Anja said Stuart has noted 164 changes in the Code for the future. Should we be listening to all of these private industries and endorse them by default.

5. David Lever said that we may have some issues with jurisdictions using the IgCC. Our language stating that the more stringent of the codes would be required may be an issue.

IV. Prescott said we are going to table agenda item IV because the speaker is not here. (Living Building Challenge)

V. IgCC update

A. Several Council members said they have not had a chance to review what the committee sent out so far in its entirety. Caroline asked what the process is.

B. Stephen Gilliss asked if the Council wants to do an overall review before it goes out for comment. Mimi said she hasn't reviewed it either but has issues regarding sending it out to the public. She would like to review and then vote by conference call or email vote to keep it moving. David Lever thinks we need a working session of many hours before voting to release it for comment. David Costello suggested that when it goes out as a draft we will receive other points of view from other parties. This would narrow the review.

C. Prescott would like it to go out to the public as soon as possible and would like to make the asphalt decision for the draft.

1. Lisa Ferretto made a motion to decrease heat island mitigation area to 30% from 50% and accept porous asphalt pavement.

2. Prescott wants to do the two separately. We will move on pervious first. The vote is for the inclusion of pervious asphalt to the draft code in compliance with A104.9.15.

Motion carries.

7 In favor, 2 against, 3 abstentions.

3. The next motion was to change the required heat island mitigation area to not less than 30% from 50% as currently required in the IgCC.

Motion carries.

7 In favor, 3 opposed, 3 abstentions

4. Lisa suggested that anything more than 30% could be an elective.

5. The next motion was to release the draft with today's amendments for a 21 calendar day review period. Due date for comments would be September 18, 2014.

a. David Lever believes it needs more development before going out.

b. Anja would at least like another week to review.

c. Prescott believes it needs to get out to the public so that it can continue to move.

d. Motion was made and seconded.

11 in favor, 2 opposed, 0 abstentions

VI. Once Around the Table

A. David St. Jean – MEA has been awarded \$700k for code training and testing in the State.

Prescott asked David if the International Energy Conservation Code 2015 is included in training.

David replied yes.

B. Lisa Ferretto asked if the next meeting will be longer.

C. Prescott said the next meeting will be a working meeting from 10 until 2pm to review the public comments received.

The meeting was adjourned at 12:00 a.m. the next meeting is scheduled for September 24, 2014 in Room 150 in the Lowe House Office Building.

The preceding is intended as a summary only of the discussions held on this meeting date. Council members are requested to review the summary and notify the writer of any errors, omissions or unintended misrepresentations of the discussion.